IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1977 OF 2005

Halima Naveed Deshmukh ..Petitioner

Vs.

Naveed Umarkhan Deshmukh & Ors. ..Respondents

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Ms.Archana Khan Advocate for Petitioner
Mr.R.T.Lalwani & S.P.Munghate
for Respondent nos.1 to 4
Mr.Y.S.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 31,2005

P.C.

1. Heard the learned advocate for the petitioner i.e. original complainant, learned advocate for respondent nos.1 to 4 and the learned A.P.P. for the State. The complainant is present in Court.

2. Rule. By consent, rule is made returnable forthwith.

3. The petitioner is seeking quashing of FIR and

the Criminal Case No.3144/P/2001 (New Case NO.232/PW/2005) pending before the learned Metropolitan Magistrate, 32nd Court at Bandra (E), Mumbai.

4. The petitioner was married to respondent no.1 on 20.11.1999. After the marriage, some disputes arose and she lodged a complaint against respondent nos.1 to 4 mainly under Section 498-A of IPC.

5. It is stated by the learned advocate for the petitioner that there were matrimonial proceedings before the Family Court at Bandra, Mumbai and the said petition i.e. Petition No.A-24 of 2002 was amicably settled and disposed of by consent terms dated 28.10.2004 arrived at between the parties. It is submitted that in view of the said consent terms, the petitioner-wife does not wish to pursue her complaint as the dispute amongst the parties, has been amicably settled.

6. The learned advocate for the petitioner submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various

decisions of the Supreme Court and this Court wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following decisions:

1) **B.S.Joshi Vs. State of Haryana, AIR 2003 SC 1386;**
2) **Fahimuddin Vs. State of U.P. AIR 1981 SC 2008(3);**
3) **Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]**
4) **Order dated 27.3.2001 passed by His Lordship Mr.Justice S.S.Parkar in Cri.W.P.No.366 of 2001;**

7. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue her complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, proceedings i.e. Criminal Case

No.3144/P/2001 (New Case NO.232/P/2005) pending before the learned Metropolitan Magistrate, 32nd Court at Bandra (E), Mumbai and the FIR, are quashed. The bail bonds of the accused shall stand cancelled.

9. Rule is made absolute in terms of prayer clause (a).

10. Writ Petition is disposed of.

11. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]